

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of September 28, 2007 (current Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. Nonetheless, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

On the basis of new grounds of rejection noted at page 2 of the Office Action, each of the claims was rejected. Claims 1-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application 2003/0130893 to Farmer (hereinafter Farmer). Additionally, Claims 1-24 were rejected under 35 U.S.C. §112, second paragraph.

Although Applicants respectfully disagree with the rejections, Applicants nevertheless have amended certain claims so as to expedite prosecution of the present application by emphasizing certain aspects of the invention. The claim amendments also address the issues raised under 35 U.S.C. §112, second paragraph.

Applicants respectfully note, however, that the amendments are not intended as, and should not be interpreted as, the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

In particular, Applicants have amended independent Claims 1, 6, 9, 11, 14, 17, and 22. The claim amendments, as discussed herein, are fully supported throughout the Specification. No new matter has been introduced by virtue of any of the claim amendments.

Certain Aspects Of Applicants' Invention

It may be useful at this juncture to reiterate certain aspects of Applicants' invention. One embodiment, typified by Claim 1, is a method of sharing telematics data with one or more service providers, the telematics data being collected from one or more vehicles.

The method can include receiving the telematics data from the plurality of vehicles, wherein the received telematics data dynamically changes over time, and comparing the telematics data received from each one of the vehicles with a privacy policy associated with the each one of the vehicles. More particularly, the privacy policy can specify privacy policy rules for selectively releasing items of the received telematics data to the one or more service providers. (*See, e.g.*, Specification, paragraph [0045], lines 1-15.)

Based on this comparing step, items of the telematics data can be selectively provided to the one or more service providers. Specifically, an item of telematics data is provided to one or more service providers only if a specified privacy policy rule is satisfied. (*See, e.g.*, Specification, paragraph [0045], lines 1-15; paragraph [0059], lines 1-13; *see also* paragraphs [0046] and [0060].)

Moreover, one or more conflict-resolution rules for resolving a conflict between two or more privacy policy rules can be specified. With a conflict resolution rule, if a first privacy policy rule dictates release of an item of telematics data and a second privacy policy rule dictates not releasing the item of telematics data, then the item of telematics data is provided to the one or more service providers only if the at least one conflict-resolution rule assigns a higher priority to the first privacy policy rule. (*See, e.g.*, Specification, paragraph [0082], lines 1-15; paragraph [0083], lines 1-9; *see also* paragraphs [0077] and [0084].)

35 U.S.C. §112, second paragraph

As amended, independent Claims 1, 6, 9, 11, 14, 17, and 22 each specify that the "comparing" feature noted at page 3 of the Office Action provides a basis for determining whether an item of telematics data is to be released. Specifically, before releasing and providing an item of telematics data to a service provider, as determination is made as to whether a pre-specified privacy policy rule dictating the release is satisfied. Only if such a rule is satisfied is the item released so that the can be provided to a service provider.

Applicants note that none of the previous Office Actions raised any 112 issues regarding this aspect of the claims as originally formulated. Applicants respectfully submit, however, that, as amended, the claims clearly specify the exact nature of this feature. Accordingly, Applicants respectfully request withdrawal of the rejection of the claims under 35 U.S.C. §112, second paragraph.

The Claims Define Over Farmer

In the Office Action, it is asserted that Farmer discloses a comparison feature whereby telematics data is compared with a privacy policy for selectively releasing items of telematics data to a service provider. The portions of Farmer cited as disclosing such a feature provide the following:

"The present invention is directed to systems and methods for providing privacy protection for data or information communicated from a vehicle, for providing services such as personalized insurance services to a user. Additionally, the invention provides privacy protection for telematics communication or other wireless location based services to be selectively provided to a user.

These and other aspects of the present invention are provided by a method for protecting the privacy of data communicated from a vehicle

comprising the following steps: acquiring at least one data element within the vehicle; removing any personal identification information from the at least one data element; transferring the at least one data element via wireless communications to at least one receiver not located on the vehicle.

These and other aspects of the present invention are also provided by a system for protecting the privacy of data communicated from a vehicle comprising: a communications system in association with the vehicle, the communications system being coupled to at least one data generating system associated with the vehicle to receive at least one data element selected from the group consisting of an operating state of the vehicle, status of the driver, location of the vehicle, an action of the driver during a selected period, external environment or combinations thereof; wherein the communications system is operated to selectively transmit the at least one data element from the communications system to a processing system, wherein the processing system removes personal identification information from the at least one data element, wherein the processed information is transmitted to at least one interested supplier of a product or service.

* * *

With respect to accident reconstruction options: Location 1 may have an additional function for customers electing an AIR option with their current insurers, as follows. Not only would the A/R option flag be noted and the 'end' location data removal step skipped in the case that an 'accident reported' message also received within the chosen time period before that data would be deleted--for real-time data transmission cases, there may also be a separate A/R buffer created into which the most-recent data specifically identified as A/R-related are stored up to some Z amount of data based on storage size or elapsed time. Then, if the 'accident reported'

message is not received within the chosen time period, that entire buffer is erased (and the 'end' location will also be removed at the appropriate time from the other data being collected). However, if the 'accident reported' message is received within the chosen time, the entire contents are transmitted to both the current insurer along with the customer and vehicle IDs, and to Location 2 (without the customer or vehicle IDs). This is only done if the customer has previously accepted the A/R option with the agreement that this will be done in the case of a reported accident involving that customer vehicle." (Farmer, paragraphs [0004]-[0006] and [0015].) (Emphasis supplied.)

Applicants initially note that Farmer does not specify any privacy policy rules that determine whether or not items of telematic data are to be released or not. Instead, as the quoted language reveals, Farmer releases all items, but provides a privacy feature whereby personal information "is removed." Thus no determination is made as to whether or not to release an item of telematic data by Farmer, but rather certain information is removed before releasing the item. In the respect, Farmer is fundamentally different in failing to provide distinct privacy policy rules for determining whether or not to release an item of telematic data. Simply removing a personal information from an item to be released is not comparable to specifying a rule that determines whether an item is to be released at all.

Resolution of Conflicting Rules

Not surprisingly, given that Farmer does not specify privacy policy rules, Farmer nowhere even remotely suggests any kind of mechanism for resolving conflicts among such rules. Farmer does not teach or suggest specifying at least one conflict-resolution rule for resolving a conflict between two or more privacy policy rules, as recited in

Claims 1, 6, 9, 11, 14, 17, and 22. More fundamentally, Farmer provides no mechanism for resolving a conflict wherein if a first privacy policy rule dictates release of an item of telematics data, and a second privacy policy rule dictates not releasing the item of telematics data, then the item of telematics data is provided to the one or more service providers only if the at least one conflict-resolution rule assigns a higher priority to the first privacy policy rule, as further recited in Claims 1, 6, 9, 11, 14, 17, and 22.

Accordingly, Farmer fails to teach or suggest every feature recited in Claims 1, 6, 9, 11, 14, 17, and 22. Applicants respectfully submit, therefore, that Claims Claims 1, 6, 9, 11, 14, 17, and 22 each define over the prior art. Applicants further respectfully submit that, whereas each of the remaining claims depends from Claims 1, 6, 9, 11, 14, 17, or 22 while reciting additional features, each of the dependent claims likewise defines over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Date: December 28, 2007



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